

REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

3 DECEMBER 2020

MEMBER'S ITEM: PUBLIC SPACE PROTECTION ORDERS

Report from: Richard Hicks, Director of Place and Deputy Chief Executive

Author: Neil Howlett, Community Safety Manager

Summary

This report sets out a response to an issue, raised by Councillors Osborne and Paterson, concerning Public Space Protection Orders.

1. Budget and policy framework
 - 1.1. Under Medway Constitution Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillors Osborne and Paterson have requested that an item on this matter is included on the agenda for this meeting.
2. The Issue
 - 2.1. Councillors Osborne and Paterson have requested that an item be placed on the agenda and Councillor Osborne will be attending the meeting to present the item. The reasons for the item are set out as follows:
 - 2.2. *“Councillor Paterson and myself would like to call for a Member’s item concerning the PSPO Maps and locations for PSPOs for the December or early 2021 cycle following well-publicised concerns around the boundaries and out of date maps.*

We would also like all Members to be given the opportunity to review the maps for their wards to give opportunity to suggest amendments and changes.

The item to include:

- i) *Full timeframe for consultation for PSPOs and the process by which maps were decided upon and boundaries confirmed.*

Director's Response

The Alcohol Control Zones and Dog Control Orders became PSPOs due to a change in the law in 2017. These had to be reviewed and either extended, varied or discharged before the 17th October 2020. The time frame for the consultation was four weeks. The consultation was published on Medway Council's website and Facebook page, as well as being advertised to community groups such as PACTS, and Neighbourhood Watches. The maps and boundaries were not changed at this time as we were not varying the PSPO, simply extending them for a further three years and the boundaries were not being changed.

- ii) *Update from Community Safety Team/ Portfolio Holder to the cause of errors in recent maps and boundaries as published at Full Council in October.*

Director's Response

As we were not making any changes to the orders at this time, the existing maps with boundaries were used as the areas covered were not being amended.

- iii) *The extent of consultation with the Portfolio Holder and whether the out of date maps had been raised by any member of Cabinet prior to full council.*

Director's Response

No concerns were raised prior to Full Council. The Portfolio Holder and the Community Safety Partnership were consulted prior to Full Council.

- iv) *Full publication of all the maps in appendix with an invitation for Members to be consulted individually on changes with an option for one-to-one meetings going forward for future years*

Director's Response

Moving forward, for any new PSPO or PSPO that is varied, extended or discharged, we will ensure that all Members will be consulted individually.

- v) *A statement on how map boundaries for PSPOs can be amended included acceptance of material at Regen Committee as per member comments".*

Director's Response

Now that these PSPOs have been extended for a further three years, legislation allows for them to be varied, discharged or extended, including boundary changes.

3. Director's comments

- 3.1 As set out in the responses above, we will ensure that for any future PSPO, all Members will be fully consulted prior to their introduction or amendments.

4. Risk management

- 4.1 There could be a risk of a legal challenge should a consultation not be held when introducing, varying, discharging or extending any PSPO.

5. Climate change implications

- 5.1 There are neither positive nor negative climate change/carbon emission implications arising from the report.

6. Financial implications

- 6.1 The only financial implication will be should additional signage be required should there be any boundary changes. The signs will cost approximately £46 each. This will come from existing budgets.

7. Legal implications

- 7.1 The Anti-Social Behaviour Crime and Policing Act 2014 and associated guidance sets out a series of requirements for introducing PSPOs and the policy for their extension. Orders can be varied at any time so long as the correct legal process is followed.

8. Recommendations

- 8.1 The Committee is asked to note that as the extension of the existing PSPOs has now been agreed, for any variation, discharge or extension we can commence the process into varying the order(s) in early 2021 which will include a longer and wider consultation, including with Members.

Lead officer contact

Neil Howlett
Community Safety and Enforcement Manager

Appendices

None

Background papers

None